

CITY OF EDINBURGH COUNCIL (PORTOBELLO PARK) BILL

OBJECTION 50 – ALISON CONNELLY

I am writing to object to the Private Bill to allow a school to be built on Portobello Park. I am objecting to the entire bill. I live close to the park, and believe that it adds to the amenity of the area, creating an open, pleasant and greener environment, and I regularly visit the park to walk and enjoy the open space. There will be a negative impact on my physical and mental wellbeing, and that of my husband and children, if this park is built on, as we will no longer be able to play or exercise there, or even just enjoy the open space.

The current very small area designated to remain as a public green space is at the furthest end of the park from my home, and is not so accessible to me. It is very small and does not offer the same open space, and is also included in the area being removed from the common good fund, meaning that it has no protection from future development.

There are a number of points I wish to make:

The decision of the Inner House of the Court of Session that City of Edinburgh Council was operating ultra vires in its attempts to appropriate Portobello Park should be respected. The Council should not be able to circumvent the law simply because it is inconvenient.

The senior legal team who represented Portobello Park Action Group in the Court of Session, winning their petition against the Council's appropriation of this Common Good land, has recently advised the group that this proposed private bill will most definitely set a precedent, and that if it goes ahead it will be much easier for other local authorities to proceed with similar personalised legislation. It is extremely important that the Scottish Parliament are fully aware of this implication of this, and must consider whether it is appropriate for the Scottish Parliament to micro-manage local authority affairs in this way, rather than ensuring that adequate legislation is in place across the whole country to properly uphold the principles of our Parliament.

Portobello Park is not the best location for a school. There are alternative options (rebuild on current site, or purchase of the Baileyfield site) which offer many advantages and would provide a better long term outcome. These alternatives have not been properly considered, and the options analyses that the Council have commissioned are full of errors and inconsistencies in the criteria applied. There are significant disadvantages of the Portobello Park site that have been ignored including road safety issues and neighbourhood gain/loss.

The decision making processes of the Council are flawed, as can be seen from the number of times in the past seven years that the Council have radically changed their plans for the new Portobello High School on Portobello Park. They have been inconsistent in a number of key aspects: whether or not the land is Common Good land; whether or not there should be replacement green space; what roll the new high school will accommodate; what the overall secondary school provision is in East Edinburgh (the neighbouring Castlebrae High School); whether or not the golf course should remain; what plans are in place for redeveloping the neighbouring St John's Primary School. For each of these points. The only point on which the Council have maintained their position

is their desire to build on the park. I could go in to a great deal more detail, and would be happy to provide further analysis if required.

There have been underhand tactics employed by the Council in promoting the plan to build on the park. Through [REDACTED] they established a local pressure group PFANS (Portobello For a New School)

[REDACTED] and through this group, supposedly independent of the Council, created a groundswell of parental support for building on the park. This group has been privy to privileged information from the Council, and there has been key collaboration allowing the wider parent body to be manipulated into believing that the education of their children will be damaged if the school is built anywhere other than Portobello Park. Also through this [REDACTED] connection, the Council have benefited from advantageous press coverage, and Portobello Park is not the only place with an uneven playing field!

The recent consultation surrounding the Private Bill, run by Edinburgh Council, and openly promoting the bill, was a sham. It reported a large majority (70% of those who took part) in favour of the private bill, but it failed to meet many of the key requirements of effective consultation. Critically, it was not run independently, and although there was some end-stage verification by Price Waterhouse Coopers of the results published by the Council, there was significant scope for the Council to manipulate the results before they passed data to PWC to be checked. The consultation was heavily weighted towards the local school communities through their mailing list and events held on school premises, whilst many local residents who did not have children at local schools remained unaware that the consultation process even existed.

The long-running mis-management by Edinburgh Council of plans to build a new high school have resulted in a critical situation where the existing building continues to deteriorate and parents are becoming desperate for the quickest solution, which the Council are promising that this proposed bill offers. I do not believe that the Council should be rewarded for their mis-management by being allowed to circumvent the law that had they acknowledged in the first place would have led them down a completely different route to providing a new school and would not be resulting in the loss of a park.

I am very concerned about the administration of Private Bills in the Scottish Parliament. Even our local MSP, Kenny MacAskill, seems vague about their use, and was unaware that a fee was levied on objectors. He advised me that most private bills are uncontentious, and he is confident that all representations, whether through the formal objection process or otherwise will be accepted, but my understanding is that already a number of individuals who have attempted to object to the principles of this bill have had their objections ruled as inadmissible because they do not live in the immediate vicinity of Portobello Park.

I am very happy to provide further details about any of the above statements.

19 June 2013